

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CRIMINAL NO. 16-27
)	
)	CHIEF JUDGE JOY FLOWERS CONTI
v.)	
)	
ANDREW M. JONES,)	
)	
Defendant,)	
)	

MEMORANDUM ORDER

CONTI, Chief District Judge.

On June 1, 2017, Defendant Andrew M. Jones (“Jones”) filed a pro se motion to enter directed verdict of not guilty (ECF No. 78). On June 2, 2017, Jones filed a pro se motion to dismiss the indictment for insufficient evidence of the interstate commerce element (ECF No. 79). On May 31, 2017, the court held a hearing to deny two other pro se motions filed by Mr. Jones. During the hearing, the court explained to Jones that it will not consider his pro se motions because he is represented by an attorney.

District courts have the “authority to issue limitations on [defendant’s] pro se filings submitted while represented by counsel.” *United States v. D’Amario*, 256 F. App’x 569, 570 (3d Cir. 2007); *see also McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) (a defendant does not have a constitutional right to “hybrid” representation); *United States v. Turner*, 677 F.3d 570, 579 (3d Cir. 2012) (“except in cases governed by *Anders*, parties represented by counsel may not file pro se briefs.”) (citing *Anders v. California*, 386 U.S. 738 (1967)).

At the end of the May 31, 2017 hearing, Jones asked the court to replace the counsel of record appointed to him under the Criminal Justice Act, 18 U.S.C.A. § 3006A (“CJA”). The

court denied his request to replace counsel and Martin Dietz remains attorney of record for Jones. Jones, therefore, shall not file pro se motions. Instead, he must consult with his attorney, who will file motions on Jones' behalf in the exercise of his professional judgment.

For the foregoing reasons, defendant's pro se motion to enter directed verdict of not guilty (ECF No. 78) and his pro se motion to dismiss the indictment for insufficient evidence of the interstate commerce element (ECF No. 79) are **DENIED**.

SO ORDERED this 8th day of June, 2017.

BY THE COURT:

/s/Joy Flowers Conti
Chief United States District Judge